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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,203	01/12/2001	Kazuaki Kinjyou	Q62634	8552
7590	06/18/2003			
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			EXAMINER WILLIAMS, KEVIN D	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	H
	09/758,203	KINYOU, KAZUAKI	
Examiner	Art Unit		
	Kevin D. Williams	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Disposition of Claims

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 07 October 2002 is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, line 2, recites "wherein a cross section has." The particular element that that the "cross section" is referring to is unclear.

Claim Objections

3. Claims 2 and 5 are objected to because of the following informalities:

Applicants use brackets in claims 2 and 5 to enclose the terms "mm" and "Kpa."

Brackets should not be used in the claims since bracketing is used in reissue practice to indicate deleted language. Examiner suggests that applicants delete the brackets all together or replace them with parentheses. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Sone (US 4,447,054).

Applicant's admitted prior art teaches a recording apparatus comprising removing means for removing a recording medium from the medium fixing member, a thin film toner sheet, said recording medium being fixed to a medium fixing member such that an active surface of the recording medium is facing to the medium fixing member, the removing means having a removing claw, the removing claw having a distal end portion and a rectangular cross section with a height reduced toward a tip, where both ends of an upper side of the rectangle have a noncurvilinear portion provided in-between (specification pgs. 1-10, figures 2, 3, 4, 5, 7).

With respect to claim 7, AAPA teaches a recording method comprising the steps of fixing an image receiving sheet onto the medium fixing member, said image receiving sheet having an image receiving layer to receive an image of a recorded image, fixing the toner sheet onto the image receiving sheet, and removing the toner sheet or the image sheet from the medium fixing member.

Applicant's admitted prior art does not teach both ends of an upper side of the rectangle being rounded and the rounded portion having a radius of curvature of $r=1$ mm or more and an upper face of the tip having a face pressure of 1 Kpa or less received from the recording medium being removed.

Sone teaches a recording apparatus with a removing claw 1 having both ends of an upper side being rounded (Fig. 6B).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA to have the rounded ends as taught by Sone, in order to prevent damage to the recording medium, the tone sheet, and the fixing member.

It also would have been obvious to modify AAPA to have the rounded portion having a radius of curvature of $r=1$ mm or more and an upper face of the tip having a face pressure of 1 Kpa or less received from the recording medium being removed, as it is obvious to modify a particular feature of a device to a specific degree according to the particular device and operation at hand. "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." MPEP 2144.05 (II)(A). For example, since Sone teaches a radius of curvature, it would be obvious to modify that radius of curvature according to the overall size of the removing claw.

Response to Arguments

6. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (703) 305-3036. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 872-9319 for After Final communications.

Application/Control Number: 09/758,203
Art Unit: 2854

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

KDW
June 12, 2003

Leslie Evanisko
LESLIE J. EVANISKO
PRIMARY EXAMINER